COTTONWOOD HEIGHTS

RESOLUTION No. 2012-68

A RESOLUTION INDICATING THE CITY'S INTENT TO ADJUST ITS COMMON BOUNDARY WITH THE CITY OF HOLLADAY; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND THE HOLDING OF A PUBLIC HEARING; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the city of Cottonwood Heights (the "City") and the City of Holladay ("Holladay") share a common boundary; and

WHEREAS, pursuant to the provisions of UTAH CODE ANN. §10-2-419 through -428, two or more municipalities sharing a common boundary may adjust such common boundary; and

WHEREAS, the City's city council (the "City Council") considers it necessary and desirable and for the benefit of the City to adjust its common boundary with Holladay; and

WHEREAS, to effect such adjustment, UTAH CODE ANN. §10-2-419 requires the City Council first to (a) adopt a resolution indicating the City Council's intent to adjust the common boundary, (b) hold a public hearing with respect to the proposed adjustment, and (c) publish prior notice of such public hearing and adjustment as provided by law; and

WHEREAS, the City Council, in satisfaction of such statutory requirements, desires to (a) adopt this resolution (this "*Resolution*") indicating its intent to adjust the City's common boundary with Holladay, (b) provide for the holding of a public hearing, and (c) direct the publication of an appropriate notice of such public hearing and such intent to adjust the City's common boundary with Holladay;

NOW THEREFORE, BE IT RESOLVED by the City Council of the city of Cottonwood Heights as follows:

- Section 1. <u>Findings and Determinations</u>. The City Council hereby finds, determines and declares that the adjustment of its common boundary with Holladay as shown and described on attached Exhibit "A" is in the public interest and is in the best interest of the City and its residents.
- Section 2. <u>Declaration of Intent to Adjust a Common Boundary</u>. The City Council hereby declares its intent to adjust the City's common boundary with Holladay as further shown and described on attached Exhibit "A," subject to compliance with all applicable statutory requirements, including the City Council's subsequent adoption of an ordinance adjusting such common boundary.
- Section 3. **Public Hearing.** Pursuant to UTAH CODE ANN. §10-2-419, a public hearing concerning such proposed boundary adjustment shall be held by the City Council on 26 February 2013 (which date is at least 60 days after the adoption of this Resolution) during the regular City Council meeting which begins at 7:00 p.m., at the regular meeting place of the City Council in the Council Chambers at 1265 East Fort Union Boulevard, Suite 300, Cottonwood Heights, Utah.

- Section 4. <u>Publication of Notice of Public Hearing</u>. The City Recorder shall publish or cause to be published notice of such hearing in *The Salt Lake Tribune* and/or the *Descret News*, each a newspaper of general circulation available to residents of the City and in which notices relative to the City are customarily published. Such notice shall be published once a week for three successive weeks, with the first publication being within 14 days of the adoption of this Resolution. The City Recorder also shall publish such notice on the Utah Public Notice Website created in UTAH CODE ANN. §63F-1-701 for three weeks prior to the hearing. The notice of public hearing shall be in substantially the form attached hereto as Exhibit "B."
- Section 5. <u>City Recorder to Perform Certain Acts</u>. The City Recorder is hereby directed to maintain a certified copy of this Resolution on file in her office during regular business hours for inspection by owners of private real property affected by the proposed boundary adjustment, and other interested persons.
- Section 6. <u>Action of Officers</u>. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Resolution, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.
- Section 7. <u>Severability</u>. It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution.
- Section 8. <u>Repealer</u>. All resolutions or parts thereof in conflict with this Resolution are, to the extent of such conflict, hereby repealed.
- Section 9. *Effective Date*. This Resolution, assigned no. 2012-68, shall take effect immediately upon passage.

PASSED AND APPROVED this 18th day of December 2012.

COTTONWOOD HEIGHTS CITY COUNCIL

H. Cullimove, Jr., Mayor

Linda W. Dunlavy, Recorder

VOTING:

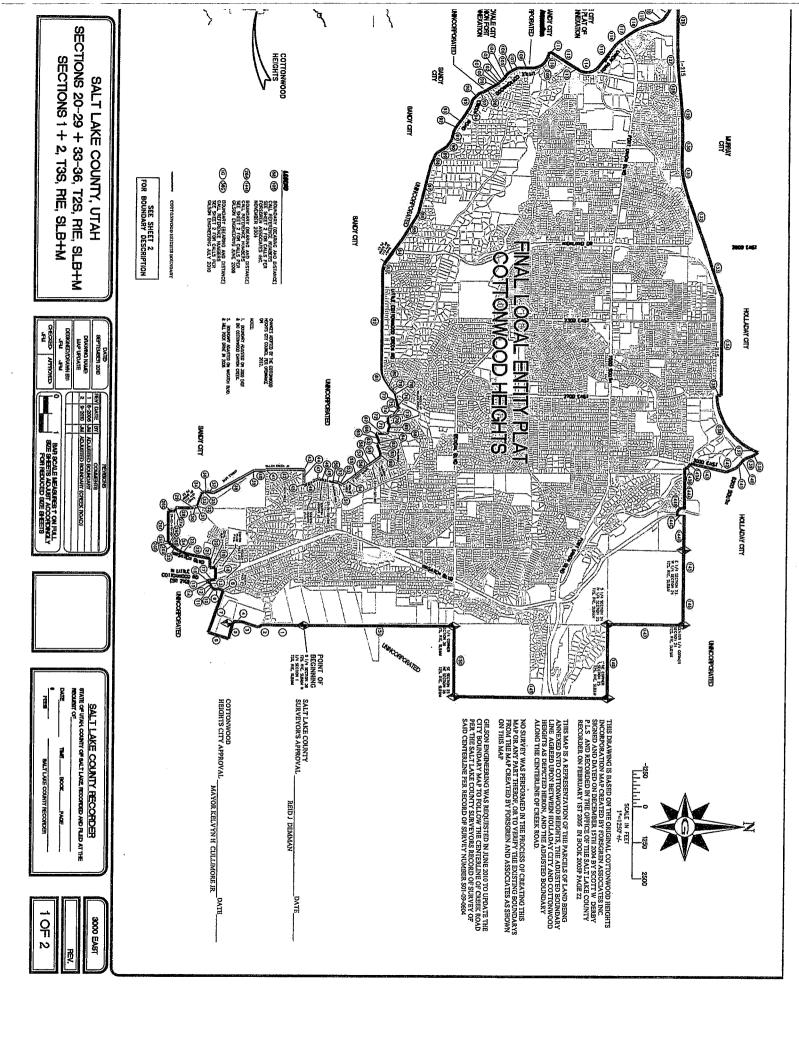
Kelvyn H. Cullimore, Jr.	Yea / Nay
Michael L. Shelton	Yea 🔽 Nay
J. Scott Bracken	Yea 🖊 Nay
Michael J. Peterson	Yea 🖊 Nay
Tee W. Tyler	Yea 🖊 Nay

DEPOSITED in the office of the City Recorder this 18th day of December 2012.

RECORDED this **19** day of December 2012.

EXHIBIT A

The common boundary between the City of Holladay, Salt Lake County, Utah, and Cottonwood Heights City, Salt Lake County, Utah, will be adjusted through the transfers from Cottonwood Heights to Holladay, or from Holladay to Cottonwood Heights, as applicable, of such parcels of real property as may be necessary to result in a common boundary between the two cities as described on the attached plat.



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(3) (2) South 88'54'-40" (est;
(4) (3) South 88'54'-40" (est;
(4) In South 88'54'-10" (est;
(4) Innex South 88'54'-10" (est;
(5) Innex South 82'54'-10" (est;
(6) Innex South 82'540'-10" (est;
(6) Innex South 82'540'-1 83 (3) 3 (3) (3) 3 333333 988888 **888 (2) BBBB** (8) ➂ **(£)** (1) northeaterly 202.47 feet giong the one of sold curve through a central angle of 1872'23" (chord bears North 68'32'22" West 251.35 feet); (13) North 65'40'29" West 448.54 feet; (12) North 7543'33" West (511.64 feet; (1) scatterniery 247.82 feet dong the ord of sold curve through a central angle of 25°22°23" (allow bears South 55°45°44" West 245.10 feet); (7) archiveterly 240.03 feet arong the arc of additioner through a central dagle of 3715'00" (chard bears North 5472'20" West 235.02 (est); (3) South 31'30'00' West 80.00 feets (1) North 77'30'00" West 138.37 feet; (?) Hoth 402.18 feet, more or test, to the southests corner of the Ridges of Moza-Crest Southians there along the boundary of and subdition the fatouring signs (8) counter. (6) South "3800"00" West 259.29 fest; (10) North 57'21'10" West 515.28 feet to a BIB.51-foot radius curve in the left (radius bears South 32'38'50" West): (9) North 54'15'20" West 1040.85 feet; (B) notheresterly 378.79 feet along the arc of sold curve through a central ongle of 3526'02" (chord bears North 71'58'21" West 372.79 feet): (2) South 8406'00 West 120 25 feel to a 500.00-lost radius curve to the left (radius boars South 06'00'00' East); (B) Forth 3743/00" West 55.52 feet to the southerly Right of Way the of Little Collamond Oreal Rood and a point on a 50.00-feet reduce curve to be right (sedue beens that h 3422/31" West); there should padd Right of Way fee the following (8) courses: (4) South 8700'00" West 232.00 lests (2) North 55'30'00" West 157.02 feet; (4) Horin 70'00'00" West 85.80 feel; (3) North 40'00'00" West 22:00 fest: (2) South 88'07'00" West 300 00 feets (4) South 43'00'00" West 44.87 feet: (3) equipmentary 357.79 feet doing the are of said curve through a central engle of \$10000" (chard bears South 533000" West 350,2) feet); (6) North DSTOTOO* East 45.00 feet to a 359.20-feet redux zerve to the right (radius been Herth 1700'OO* East); (5) North 22100'00" West 175.00 feets South 3314833" West 204.33 feet to a 933-37-feet radius curve to right (radius seas North 3671°57" Mest); (1) North 89'59'24" West 20.01 feet; (1) Horth 35'45'31" West 351,81 feet; (1) South 68'34'00" West 9.41 feet, micra or less, to the southwest corner thereof bence ktoli 057100° Eqst 34,18 est dang its smalety for of sid subdiside to be archivest come thereof one of point on the southerly the of blots fuce Pines to Condombulents; theree stong the boundary of sed condombules he intends four (4) theres Harth 10'40'00" East 89.35 fest, more or 1914, dong the exploity boundary of soid front to the excitation corner thereof soid that to the excitation excitation that a Wilder Crete Pleaned Unit Development; (1) Harin 25'30'00" West 52.52 feets 3) suffeetiefly 608.78 leet along the ore at sold curve through a central angle of 600000 (mind been south 2700001 (mint 508.53 feet); 700000 (mind been south 2700001 (mint 508.53 feet)); 71 feets 500100 (mind source to the right value bases North 0016/50° (est)); (2) North 4178'00" West 318.97 fest; (3) North 3131'00" Cast 131.25 feet; (2) North 6573'00" Cast 1.67 feet; (2) Noth IO/4000 East 277,24 feet to the nathwest corner thereof and the southwest corner of that certain boot of lond (Soit Lake County Tox No. 22~13~452~018); (3) South 6954'10" East 46.62 feet to the northeast corner of sold Alto Hills out the northwest corner of Scottlish Keights No. 1 Substitution; (3) North 762700" East 13.63 feet, more or less, to the southwest corner of that certain treat of land (Soit Loke County Tax No. 22-35-327-031) (4) Hath 3735/00; Hel 342.73 feel to the notherst corne theest and the southerst corner of Morie Yucq 78513 2 Comminishurs; theres doing the boundary line of said condomissions the foliaving Unice (3) courses: thence South 88'34'10" East 103.62 feet clong the north line of sold existivistics to the southwest corner of Scotlich Heights Ka. 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HEIGHTS CITY APPROVAL MAYOR KELVYN H CULLIMORE JR. SALT LAKE COUNTY SURVEYOR'S APPROVAL FINAL LOCAL ENTITY PLAT STATE OF STAY, COUNTY OF BULT LAKE, RECORDED AND PLED AT THE ROUBBIT OF SALT LAKE COUNTY RECORDER COTTONWOOD HEIGHTS TIME BOOK REID J DEMMAN BALT LAKE COUNTY RECORDER SEE SHEET 1 FOR BOUNDARY MAP -PAGE 2 OF 2 3000 EAST

EXHIBIT B

COTTONWOOD HEIGHTS, UTAH

NOTICE OF PUBLIC HEARING AND INTENT TO ADJUST COMMON BOUNDARY

PUBLIC NOTICE IS HEREBY GIVEN that on 18 December 2012, the city council (the "City Council") of the city of Cottonwood Heights, Salt Lake County, Utah (the "City") adopted a resolution (the "Resolution") indicating the City Council's intent to adjust the City's common boundary with the City of Holladay ("Holladay") and calling a public hearing to receive input from the public with respect to such adjustment, all pursuant to UTAH CODE ANN. §10-2-419.

ADJUSTMENT OF COMMON BOUNDARY

The City Council has proposed to adjust the City's common boundary with Holladay by transferring to Holladay, or receiving from Holladay (as applicable), such parcels of real property as may be necessary to result in a common boundary between the two cities as shown and described on the plat that is attached to the Resolution, a copy of which is on file with the City Recorder.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The City will hold a public hearing (the "Public Hearing") during its regular City Council meeting, which begins at 7:00 p.m. on 26 February 2013. The Public Hearing will be held at the regular meeting place of the City Council in the Council Chambers at 1265 East Fort Union Boulevard, Suite 300, in Cottonwood Heights, Utah. The purpose of the Public Hearing is to receive input from the public with respect to the proposed boundary adjustment. All members of the public are invited to attend and participate in the Public Hearing. Written comments may be submitted to the City Council, to the attention of the City Recorder, prior to the Public Hearing.

EFFECT ON LOCAL DISTRICTS PROVIDING FIRE PROTECTION, PARAMEDIC, AND EMERGENCY SERVICES

No local district providing fire protection, paramedic and emergency services will be affected by the proposed boundary adjustment.

NOTICE OF RIGHT TO FILE PROTESTS TO PREVENT THE ADJUSTMENT OF THE COMMON BOUNDARY

NOTICE IS FURTHER GIVEN THAT, pursuant to UTAH CODE ANN. 10-2-419, the City Council will adopt an ordinance adjusting its common boundary with Holladay unless, at or before the Public Hearing, written protest to the adjustment have been filed with the City Recorder of the City by the owners of private real property that: (a) is located within the area proposed for adjustment; (b) covers at least 25% of the total private land area within the area proposed for adjustment; and (c) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment.

COTTONWOOD HEIGHTS, UTAH

By: Linda W. Dunlavy, City Recorder

DATES OF PUBLICATION: (Publish once a week for three [3] successive weeks)

28 December 20124 January 201311 January 2013